## IN THE UNITED STATES DISTRICT COURT

## FOR THE EASTERN DISTRICT OF TEXAS

## TYLER DIVISION

GEORGE BAY BARNES, #1689778 §

VS. § CIVIL ACTION NO. 6:17cv251

GRIEVANCE OFFICIALS, ET AL.

## ORDER OF DISMISSAL

Plaintiff George Bay Barnes, an inmate currently confined at the Clements Unit within the Texas Department of Criminal Justice, (TDCJ), is proceeding *pro se* and *in forma pauperis* in the above styled and numbered civil rights lawsuit. The complaint was referred to the United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On August 1, 2019, Judge Love issued a Report, (Dkt. #74), recommending that Defendants' motion to dismiss, (Dkt. #70), should be granted and that Plaintiff Barnes' civil rights lawsuit be dismissed, with prejudice, under 28 U.S.C. § 1915(g) and because it is moot. A copy of this Report was sent to Barnes at his address. However, to date, no objections to the Report have been filed and Barnes has not communicated with the Court since March 2019.

Because no objections to Judge Love's Report have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge.

Upon such review, the court has determined that the Report of the Magistrate Judge is correct. *See* 

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is

"clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #74), is

**ADOPTED** as the opinion of the court. Further, it is

**ORDERED** that Defendants' motion to dismiss, (Dkt. #70), is **GRANTED**. Plaintiff

Barnes' civil rights lawsuit is dismissed, with prejudice, pursuant to 28 U.S.C. § 1915(g). Finally,

it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby

DENIED.

So Ordered and Signed

Oct 7, 2019

Ron Clark, Senior District Judge

Rm Clark

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